



**CITY OF SCOTTSDALE
McDOWELL SONORAN PRESERVE COMMISSION
REGULAR MEETING**

March 5, 2015

**Florence Ely Nelson Desert Park
8950 E. Pinnacle Peak Road
Scottsdale, AZ 85255**

SUMMARIZED MINUTES

PRESENT: James Heitel, Chairman
Robert Frost, Vice Chairman
Con Englehorn, Commissioner
Fred Klein, Commissioner
Mike Milillo, Commissioner (arrived at 5:06 p.m.)
Jace McKeighan, Commissioner
Susan Wheeler, Commissioner (arrived at 5:10 p.m.)

STAFF: Bill Murphy
Kroy Ekblaw
Scott Hamilton
Liz Hildenbrand
Yvonne Massman
John Loleit
Joe Padilla
Lee Guillory

GUESTS: Mike Nolan
Rachel Pearson
Jack McEnroe
Howard Meyers

1. CALL TO ORDER

Chairman Heitel called the meeting to order at 5:02 p.m.

2. ROLL CALL

Members present as noted above.

3. PUBLIC COMMENT

There were no members of the public who wished to speak.

APPROVAL OF MINUTES (Discussion begins at 5:03; approximately 1 minute into the meeting)

Approval of Regular Meeting minutes of February 5, 2015

Commissioner Englehorn asked that it be noted that he declined the nomination for Vice Chair. Commissioner Klein noted that the change he proposed for the bylaws was to permit no more than three consecutive absences from regular meetings or more than five in any 12-month period.

VICE-CHAIR FROST MOVED TO APPROVE THE MCDOWELL SONORAN PRESERVE COMMISSION FEBRUARY 5, 2015 REGULAR MEETING MINUTES AS AMENDED. COMMISSIONER KLEIN SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). COMMISSIONERS MILILLO AND WHEELER NOT YET PRESENT.

5. MCDOWELL SONORAN CONSERVANCY UPDATE (Discussion begins at 5:05; approximately 3 minutes into the meeting)

Mr. Nolan invited Commission members to attend the ribbon cutting for the Kovach Family Nature Trail on March 28th at 9:00 a.m. The ceremony will be followed by a Celebration of Wildflowers, which consist of activities including hikes and nature guides until approximately 2:00 p.m.

Scottsdale Leadership together with Cox Cable will be filming 30 advertisements for the Preserve that will run 200 times and will broadcast the Su Vida show live from Lost Dog Wash Trailhead on March 16th. The advertisement is valued at \$47,000. Scottsdale Republic is working on an article that will run the week before the grand opening and is posted on the Scottsdale Chamber web page. The trail signs should be installed the week of the 16th and the stone benches will be installed around March 28th.

Mr. Nolan noted that he has been working with Kroy Ekblaw and Brad Lundahl on the Fireworks Bill and that several stewards have submitted comments to House members.

The steward recognition retreat is scheduled for Saturday, March 14th at DC Ranch Homestead beginning at 5:30 p.m. Stewards will be recognized for their achievements.

Mr. Nolan briefly discussed statistics comparing this year's hike program to last year. Hike attendance has increased by 42%. Due to low attendance, bike tours have been suspended pending marketing and viability studies.

6. **FINANCING UPDATE** (Discussion begins at 5:11; approximately 9 minutes into the meeting)

- **Budget Review**

Howard Meyers spoke about the importance of reserving funds for Preserve related issues such as future trailheads, a land bridge at Dynamite, which is a critical migration route for both wildlife and trail users, completion of the Preserve, and studies and surveys relating to citizen desires for the future of the Preserve.

Mr. Ekblaw gave an update on the projected Preserve improvements and expenditures as of March 5, 2015. He noted that based upon direction from the Commission, wildlife crossing enhancements for Dynamite and 128th Street were identified as a future need. He noted that if the plans are identified they could qualify for City, state, and/or county transportation funding in the future. The total projected cost for Preserve improvements with all adjustments is approximately \$16.8 million.

Commissioners were given an opportunity to ask questions. Mr. Ekblaw noted that the City Transportation Department is aware of the wildlife crossing project and explained that in addition to possible transportation dollars, Game and Fish will evaluate the wildlife crossing enhancements for possible grant funding.

Ms. Guillory gave an update on the Preserve Tax cash flows. Future improvements have been reduced by \$10 million to \$16.8 million. Sales tax forecasts will be updated and will increase by approximately \$11 million. Total combined changes gave an increase of approximately \$22 million in endowments, bringing the total to \$68 million in potential endowments.

Ms. Guillory noted that the Legislature is currently considering removing rental sales tax from all municipalities, which could reduce the endowment by \$18 million, bringing it down to approximately \$49.5 million. A City Council member has suggested consideration of eliminating the City food tax, which if implemented would reduce the Preserve sales tax collections by approximately \$34 million between 2017 and 2034. Mr. Ekblaw noted that the discussion about sales tax has been tabled until next fiscal year.

Commission members were given an opportunity to ask questions.

- **Ideas for Endowment Concept and Conditions**

Chair Heitel distributed a draft of proposed ideas for the endowment concepts and conditions. Discussion ensued regarding the content of the document and suggestions that could ensure that funds will be available for an endowment that would support the continued maintenance of the Preserve in perpetuity.

Mr. Padilla confirmed that he understood that the Commission wished to develop a mechanism that can be used to allow citizens to vote on a method for segregating a tax that would fund an endowment dedicated to the maintenance and operations of the Preserve. He noted that an election attorney just joined the City Attorney's staff and will be reviewing the endowment concept during the upcoming weeks to determine the appropriateness of the fund.

It was the consensus of the Commission to request that staff return with a thorough presentation providing enough information to refine the concept to possibly put a formal recommendation to Council.

COMMISSIONER KLEIN MOVED TO APPROVE MOVING FORWARD WITH AN OPERATIONS AND MAINTENANCE ENDOWMENT PROPOSAL. COMMISSIONER ENGLEHORN SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

7. SPECIAL EVENTS AND COMMERCIAL USE POLICIES (Discussion begins at 5:42; approximately 40 minutes into the meeting)

Ms. Hildenbrand facilitated a discussion about what are appropriate uses within the Preserve. She discussed the purpose of research permits, commercial permits, and special use permits. She noted that any groups of 35 or over are currently required to get a special use permit/facility use permit and inquired whether the Commission thought 35 was a reasonable number. Mr. Hamilton said that the special permit policy was created in 2010 with a target number of 20 and was envisioned for groups that wanted to use the trails.

Discussion ensued regarding group usage, fees, and feedback staff has received from users. It was the consensus of the Commission to keep the group permit requirement at 34 attendees.

Ms. Hildenbrand explained that the commercial use policy was created in 2010 and is \$100 for a permit and \$3.50 per head.

Commissioner Klein expressed a desire to have an agenda item to review Ordinance Section 21-22.

Ms. Hildenbrand reviewed the list of requested uses for the Commissioners to consider for later discussion as to their appropriateness. Activities include: fitness activities; hiking clubs/groups; dog walkers; training hikes; celebrations; mountain bike demos/rides; commercial photography and film; organized hikes and ride events; school group activities; meet-up groups; races; commercial and personal horses, carts, and wagons; community organization events such as pet adoptions and food drives; drones/airplanes; segways; guided hunting; and competitive events. Ms. Hildenbrand noted that the Commission needs to formally define "competitive events."

Commission members discussed the best way to move forward with discussions on the topic of uses, defining "competitive events," and commercial versus non-profit uses. Mr. Ekblaw stressed the importance of getting input from operators and the public. Commissioners were asked to email Ms. Hildenbrand with additional comments.

8. DESERT EDUCATIONAL FACILITY DISCUSSION (Discussion begins at 6:14; approximately 1 hour and 12 minutes into the meeting)

Howard Meyers agreed that an educational facility would help visitors and residents understand the environment they live in. He provided a list of Preserve rules that would be violated if a facility is located within the Preserve boundaries and discussed the negative impact that an educational facility would have if located at the Gateway

Trailhead. He suggested locating an educational facility at either Thompson Peak and Bell where many conflicts could be mitigated, or on the City-owned land adjacent to the Preserve at 94th Street and Bell, close to WestWorld.

Chair Heitel suggested that the MSPC provide a message to City Council with basic statements regarding the Commission's role in protecting the Preserve. The message would express the McDowell Sonoran Preserve Commission's desire to be involved in any future discussions of a Desert Educational Facility and would highlight four primary points:

- 1) That Desert Discovery Center discussions in the past should have included input from the community at large;
- 2) That no Preserve Tax revenues should be used for the facility;
- 3) That any use should strictly adhere to the current Preserve Ordinance;
- 4) That any facility should be compatible with the Sonoran desert that it is supposed to be celebrating.

Discussion ensued regarding the content of a statement to City Council, the Phase I and Phase II processes, and the Phase III process which included a concept design by Vern Swaback. It was the consensus of the Commission to have Chair Heitel draft a letter to City Council with his suggested comments and the addition of a statement that any facility should be required to independently support the funding of all operation and maintenance. Commissioner Klein will review and edit the document before it is forwarded to City Council.

COMMISSIONER KLEIN MOVED TO FORWARD A LETTER TO CITY COUNCIL FROM THE MCDOWELL SONORAN PRESERVE COMMISSION WITH THE AFOREMENTIONED STATEMENTS. COMMISSIONER FROST SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

9. BYLAWS (Discussion begins at 6:40; approximately 1 hour and 38 minutes into the meeting)

Mr. Ekblaw gave a follow-up to the requests that Commissioners made during the last meeting regarding amending the bylaws. He noted that the Commission cannot amend the attendance requirements, because they are outlined in the City Code for all Boards and Commissions. Mr. Murphy said that the definition of minutes is standard language in the City Ordinance and both written and/or recorded meeting records are acceptable.

10. STAFF REPORTS (Discussion begins at 6:44; approximately 1 hour and 42 minutes into the meeting)

- **Land Acquisition**

Mr. Ekblaw said that staff continues to work with the State Land Department on both the Preserve zoning case and the State Land case and a response is expected to take at least 30 days. Once a response is received, the cases will move forward to Planning Commission and City Council. The land acquisition process has been moving forward and the State is moving forward with the appraisal process. It is hoped that the acquisitions could go to Council by mid-summer. Mr. Ekblaw noted that the SLUP agreement is due to expire and the renewal application has been submitted and should be brought before Council within the next 60 days.

Mr. Ekblaw noted that Representative Ugenti offered a motion on the floor that was approved, reinstating the one-mile buffer for fireworks. Mr. Lundahl will report to staff and MSC on any movement made through the Senate.

Mr. Ekblaw announced City Council approved the contract for the Granite Mountain/Fraesfield design. He suggested that Commissioner Englehorn sit in on the design process.

- **Trails Update (6:50 p.m.)**

Mr. Ekblaw reviewed the progress that has been made on the trails in the north area and the plans for upcoming work.

- **Wildflower Day Publicity (6:52 p.m.)**

Ms. Hildenbrand reiterated that the Kovach Family Nature Trail opening and the Wildflower Celebration are scheduled for March 28th. She noted that in addition to Twitter and Instagram, the City has added the social media platform Nextdoor Scottsdale.

Mr. Loleit talked about the afterschool program Preserve fieldtrips, the Desert Canyon Elementary School hikes that Ms. Massman has organized, and the Scottsdale Senior Center hiking trip.

Ms. Hildenbrand asked for volunteers to assist with the dog education program that is scheduled for March 7th and 8th from 8:00 to noon at all trailheads. She said that intercept surveys will wrap up during March and a summary will be provided to the Commission once completed. She noted that comments on the rock climbing plan are due to staff by March 20th.

Ms. Hildenbrand announced that the new Recreation Leader III will begin at Pinnacle Peak on March 9th and the new Natural Resources Coordinator at the Gateway will start on March 23rd.

Signs prohibiting free-range livestock have been installed in the gooseneck area and include a phone number for citizens to report violations.

11. COMMISSIONER COMMENTS (Discussion begins at 6:59; approximately 1 hour and 57 minutes into the meeting)

Commissioner Klein said that he is disappointed that Wildflower Day was included as part of the nature trail opening instead of being an event in itself. He requested that next year Wildflower Day have its own event focusing on generating awareness of the Preserve.

Commissioner Milillo noted appreciation for the elementary school educational programs and the dog awareness programs.

Commissioner Milillo suggested that a more centrally located meeting venue be considered for MSPC meetings.

12. AGENDA ITEMS FOR FUTURE MEETINGS (Discussion begins at 7:03;
approximately 2 hours and 1 minute into the meeting)

Mr. Ekblaw reminded the Commission that the joint meeting with the Tourism Development Commission is scheduled for March 30th.

13. ADJOURNMENT

The meeting adjourned at 7:05 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.